

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
BOC#
DATE FILED: 7/28/15

PABLO ROSENDO, ET AL.,
Individually and on behalf of others
similarly situated,

13 Cv. 7256 (JGK)

Plaintiffs,

ORDER

- against -

EVERBRIGHTEN INC. d/b/a WASABI
LOBBY, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

On March 7, 2014, the Court found that the plaintiffs are entitled to a default judgment against the defendants. The Court referred the case to Magistrate Judge Maas for an inquest on damages. The Court has now reviewed the Report and Recommendation of Magistrate Judge Maas dated April 7, 2015. No objections were filed and the time for such objections has now passed. In any event, the Court finds that the Report and Recommendation is well reasoned. Therefore, for the Reasons stated in the Report and Recommendation, the Court directs the Clerk to enter judgment in favor of the plaintiffs and against the defendants as follows:

- For plaintiff Pablo Rosendo: \$174,567.43, plus
prejudgment interest on the sum of \$3,095.75 at the

rate of nine percent per annum from December 13, 2012, until the date of the judgment.

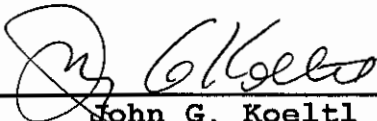
- For plaintiff Leonides Rescalvo: \$169,486.22, plus prejudgment interest on the sum of \$6,612 at the rate of nine percent per annum from April 1, 2012, until the date of the judgment.
- For plaintiff Rogelio Rosendo: \$130,200.00, plus prejudgment interest on the sum of \$2,740 at the rate of nine percent per annum from April 9, 2012, until the date of the judgment.
- For plaintiff Catarino Venancio: \$204,092.43, plus prejudgment interest on the sum of \$4,437 at the rate of nine percent per annum from September 24, 2012, until the date of the judgment.
- For all plaintiffs, jointly: \$12,403 in attorneys' fees and \$700 in costs.

In addition, pursuant to section 663(4) of the New York Labor Law, the judgment should provide that if any amount of the judgment awarding amounts under the NYLL remains unpaid upon the expiration of ninety days following the issuance of the judgment or ninety days after expiration of the time to file an appeal and no appeal therefrom is then pending, whichever is later, the amount of the judgment attributable to the NYLL, namely \$472,165.34 as to all plaintiffs, including fees, plus the

amount of pre-judgment interest calculated as described above,
shall automatically increase by fifteen percent.

SO ORDERED.

Dated: New York, New York
July 27, 2015



John G. Koeltl
United States District Judge